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**Community Development, Housing &  
Tribal Affairs Committee**

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**HB 2086**

**Brief Description:** Prohibiting certain limitations on the hosting of the homeless by religious organizations.

**Sponsors:** Representatives McBride, Walkinshaw, Moscoso, Farrell, Riccelli, Ormsby, Ryu, Robinson and Pollet.

**Brief Summary of Bill**

- Creates new limitations for counties, cities, and towns when regulating a religious organization's ability to host an encampment for homeless persons on their property.

**Hearing Date:** 2/16/15

**Staff:** Kirsten Lee (786-7133).

**Background:**

In *City of Woodinville v. Northshore United Church of Christ*, decided in 2009, the Washington State Supreme Court held that the City of Woodinville violated the church's right to free exercise of religion, under Article I, section 11 of the Washington State Constitution, when it refused to consider a church's application to host a homeless encampment. The court held that the refusal infringed upon the church's free exercise of religion without any justification because the City created a substantial burden on the church's ability to host an encampment for homeless persons on their property. The City failed to demonstrate that not allowing the church to apply to host an encampment was a narrow means to achieve a compelling goal. The City also provided no other alternative for the church.

In the Court's discussion, the Court mentioned that a city may regulate encampments located on a religious organization's property for the purposes of mediating concerns regarding safety, noise, and crime.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Temporary Encampments for the Homeless.

In 2010 legislation was enacted permitting religious organizations to host temporary encampments for homeless persons on any property owned or controlled by the religious organization. A religious organization means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

Counties, cities, and towns may only regulate a religious organization regarding encampments for homeless persons on their property for purposes necessary to protect the health and safety of the public, and may not substantially burden the decisions or actions of a religious organization regarding the location of encampments on the religious organization's property.

Counties, cities, and towns are prohibited from enacting an ordinance or regulation or to take any action that:

- requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on a religious organization's property or otherwise requiring the religious organization to indemnify the municipality against such liability; or
- impose permit fees in excess of actual costs associated with the review and approval of the required permit applications.

### Safe Parking Programs.

Safe parking programs allow homeless persons and families to park their vehicles in church parking lots overnight as an alternative to shelter and to provide access to restrooms. In addition, some safe parking programs provide housing services, community meals, microwaves, clothing drives, and opportunities to connect with a congregational community. An example of a safe parking program is the Road to Housing program in the city of Seattle, which was established in 2012. Safe parking sites also exist in other areas of King County.

### **Summary of Bill:**

Counties, cities, and towns are additionally prohibited from enacting an ordinance or regulation or taking other action that limits a religious organization's:

- ability to host a rotating, established tent encampment to less than eight months during any calendar year;
- hosting term to less than four months unless agreed to by that religious organization for a specific instance; or
- availability to host safe parking efforts at its own on-site parking lot, except for the following limitations that would govern if enacted by local ordinance:
  - no less than one space per 20 on-site parking spaces may be devoted to safe parking;
  - restroom access must be provided; and
  - if no managing agency oversees the safe parking, the host religious organization must act as managing agency to assure sex offender checks are completed, inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.